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Part V

Department of the Interior

Fish and Wildlife Service

Reproposed Critical Habitat for the Oregon Silverspot Butterfly

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of Critical Habitat for the Oregon silverspot butterfly.

SUMMARY: The Service reproposes Critical Habitat for the Oregon silverspot butterfly (*Speyeria zerene hippolyta*). Threatened status and Critical Habitat were originally proposed for this species on July 3, 1978 (43 FR 28938–45). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382–84) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This proposed rule complies with the changed requirements.

DATES: Comments from the public must be received by May 27, 1980. Comments from the Governor of Oregon must be received by May 27, 1980. A public meeting on this proposal will be held on April 15, 1980. A public hearing will be held on April 29, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Oregon silverspot butterfly was proposed as Threatened, with Critical Habitat, on July 3, 1978. Before final action could be taken on this proposal, Congress passed the Endangered Species Act Amendments of 1978, which changed the procedures the Service must follow when designating Critical Habitat. The present rulemaking will comply with the amendments.

The Oregon silverspot butterfly formerly occurred in salt spray meadows from Washington to Oregon. The status of the Washington colony is uncertain. Most of the Oregon populations have been extirpated by real estate development. Since the original proposal, one of the areas proposed as Critical Habitat has been developed for housing and the reproposed Critical Habitat is therefore being modified from the original proposal. No additional information has been received by the Service that would warrant a change in the previously proposed status of this species.

Summary of Factors Affecting the Species

The major threats to the remaining Oregon silverspot butterfly populations are housing development and increased human disturbance from recreational use. Activities or factors which adversely affect this species include:

(1) Direct loss of habitat by land clearing for construction of housing.

(2) Trampling of habitat and the foodplant from increased recreational use, and

(3) Introduction of weeds which could change the nature of the plant community to which this species is adapted.

Comments on Critical Habitat

This reproposal of Critical Habitat includes the known habitat of the only known colony of the Oregon silverspot butterfly which is relatively undisturbed. This is the salt spray meadow between Big Creek and Rock Creek, Lane County, Oregon. Critical Habitat is hereby reproposed as follows:

Oregon, Lane County, T. 16 S., R. 12 W. Section 15; south ½ of Section 10.

A detailed summary of comments responding to the original proposal for listing the species and to this reproposal of Critical Habitat will appear at the time of final rulemaking.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas within the geographical range of the Oregon silverspot butterfly should be designated Critical Habitat. The proposed Critical Habitat supports the host plant violet of the Oregon silverspot butterfly, a constituent element essential to the butterfly's continued survival.

This butterfly occupies a limited range and is susceptible to changes in its salt spray meadow habitat. Because changes in the area occupied by the species could result in its extinction, designation of Critical Habitat is prudent for this butterfly's conservation.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of the action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Oregon silverspot butterfly.

Effect of this Proposal if Published as a Final Rule

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, do not jeopardize the continued existence of the Oregon silverspot butterfly, but also to insure that their actions do not result in the destruction or adverse modification of the Critical Habitat which has been determined by the Secretary to be critical.

Section 4(f)(4) of the Act requires that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief discussion and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by designation. Activities which may adversely modified the proposed habitat are identified below for this species. It should be emphasized that Critical Habitat designation may

not in turn affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through section 7 of the Act.

1. With regard to the Oregon silverspot butterfly, a major threat to the continued existence of the species is real estate development in the coastal salt spray meadows where this species occurs. Several of the formal colonies have been extirpated or reduced in size by housing development.

2. Increased recreational use could adversely affect the butterfly's habitat. Detrimental activities could include trampling of the meadow habitat, damage from vehicles, and development of trails and other recreational facilities.

3. Modification of forest areas adjoining the salt spray meadows could eliminate refuge areas used for shelter by the butterfly.

The only apparent Federal involvement affecting the proposed Critical Habitat is the Forest Service's management of portions of Siuslaw National Forest. The Forest Service intends to protect the Oregon silverspot butterfly and its habitat. Therefore, the Fish and Wildlife Service's draft economic analysis indicates that there would be no adverse economic effect from Critical Habitat designation, as such designation affects only Federal actions. In its final analysis the Service will consider any new information it receives concerning adverse economic, or other, effects of designating Critical Habitat.

Public Meeting and Hearing

The Service hereby announces that a public meeting and hearing will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meeting and hearing is set out below:

Place	Date	Time	Subject
Public Meeting			
State Marine Science Center, Newport, Oregon	Apr. 15, 1980	7:30–10:00 p.m.	Oregon Silverspot butterfly.
Public Hearing			
State Marine Science Center, Newport, Oregon	Apr. 29, 1980	7:30–10:00 p.m.	Oregon Silverspot butterfly.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Oregon silverspot butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to these species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat; and

5. The foreseeable economic and other impacts of the Critical Habitat designation.

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the national Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.95 [Amended]

1. It is proposed that § 17.95(i), Insecta, be amended by adding Critical Habitat for the Oregon silverspot butterfly as follows:

Oregon Silverspot Butterfly

(Speyeria zerene hippolyta)

Oregon, Lane County. T. 16 S., R. 12 W. Section 15; south ½ of section 10.

Dated: March 20, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

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